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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

In the Matter of )  
 )  
 ) Administrative Action  
 )  
MICHAEL SCAGLIONE, D.D.S. )  
 )  
 )  
 )

CONSENT ORDER

This matter was opened to the New Jersey Board of Dentistry (hereinafter "Board") upon receipt of a patient complaint from M.P. on behalf of her children T.P. and J.P. The complaint alleged that Michael Scaglione, D.D.S. (hereinafter "respondent") failed to conform to standard orthodontic practice in the State of New Jersey. Specifically, M.P. alleged that respondent did not render proper care because although orthodontic treatment was nearly completed, both of her sons still had poor alignment. On October 21, 1998, respondent appeared without counsel at an investigative inquiry into the matter held by the Board.

Having reviewed the entire record, and having heard the testimony of respondent at the investigative inquiry, it appears to the Board that respondent failed to maintain a proper patient record for T.P. and J.P. as required by N.J.A.C. 13:30-8.7(a) in that he failed to maintain

accurate and complete patient charts. For example, respondent did not document when T.P.'s lower teeth were banded and the teeth numbers of those teeth which were bracketed were not indicated. These failures form the basis for disciplinary action pursuant to N.J.S.A. 45:1-21(h). Additionally, after a preliminary review of the record in this matter, the Board has also concluded that the orthodontic care rendered to patients T.P. and J.P. failed to conform to standard orthodontic practice in the State of New Jersey in that inadequate progress was made in the approximately three years of orthodontic treatment rendered. However, the Board is satisfied that it can conclude this matter at this time in a manner which adequately addresses the complaint presented to the Board because respondent agrees to the following in order to resolve this matter without recourse to further investigation and formal proceedings:

IT IS, THEREFORE, ON THIS 6<sup>th</sup> DAY OF January 1998,

HEREBY ORDERED AND AGREED THAT:


1. Respondent shall pay a civil penalty in the amount of \$500.00 for each patient for the record keeping violation. Payment in the total amount of \$1,000.00 shall be made by certified check or money order, payable to the State of New Jersey and forwarded to Agnes Clarke, Executive Director, Board of Dentistry, P.O. Box 45005, Sixth Floor, 124 Halsey Street, Newark, New Jersey 07101 contemporaneously with respondent's signing of this Consent Order.

2. Respondent shall pay costs of the investigation in this matter in the amount of \$88.00. Payment for costs shall be made by certified check or money order payable to the State of New Jersey and submitted to

Agnes M. Clarke, Executive Director of the Board, at the address above, contemporaneously with respondent's signing of this Consent Order.

3. Respondent shall reimburse M.P. in the amount of \$2,195.00 for the treatment rendered to T.P. and \$2,195.00 for the treatment rendered to J.P. A certified check or money order made payable to M.P. for the total amount of \$4,390.00 shall be sent contemporaneously with respondent's signing of this Consent Order to Agnes Clarke, Executive Director, Board of Dentistry, at the address above.

New Jersey Board of Dentistry

  
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Abraham Samansky, D.D.S.  
President

I have read and understand  
the terms of this Consent Order  
and agree to be bound by the  
terms. I consent to the entry  
of this Order.

  
\_\_\_\_\_  
Michael Scaglione, D.D.S.